

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LAHONTAN REGION**

RESOLUTION NO. R6T-2003-0015

**RESOLUTION AUTHORIZING THE EXPENDITURE OF FUNDS FROM THE
FLEUR DU LAC WATER QUALITY MITIGATION FUND**

The California Regional Water Quality Control Board, Lahontan Region finds:

1. Fleur Du Lac Estates is a residential development located on the west shore of Lake Tahoe, approximately six miles south of Tahoe City, California. The development is located on a 15-acre lakefront parcel and consists of residential units and a marina.
2. On April 8, 9, 10, 1989, illegal dredging was conducted within the Fleur Du Lac marina. Bypass suction dredging removed accumulated bottom sediments from within the marina and discharged dredged sediments below the high-water rim of Lake Tahoe. The dredging operation was in violation of a conditional waiver issued by the Regional Board and in violation of a prohibition contained in the Water Quality Control Plan for the Lahontan Region.
3. On February 9, 1990, the Regional Board referred the matter to the California Attorney General to recover civil liabilities against the Fleur Du Lac Estates Association and other persons or entities responsible for directing or authorizing the dredging of the Fleur Du Lac marina pursuant to California Water Code Section 13350 (a) and (e). Concurrently, the California State Lands Commission (CSLC) and the Tahoe Regional Planning Agency (TRPA) had filed actions against Fleur Du Lac Association and Fred Sahadi (owner) based on the illegal discharge. The Regional Board, CSLC, and TRPA agreed to settle their claims for civil liability when the Fleur Du Lac Association agreed to establish a fund in the amount of \$275,000. The \$275,000 and the accrued interest were placed into a Special Deposits Fund to be used for water quality mitigation projects to be located in the Lake Tahoe Basin. The Regional Board, the CSLC, and the TRPA agreed that the Regional Board would select the water quality mitigation project(s).
4. Between January 1992 and January 1997, the Regional Board awarded and grantees accepted six grants totaling \$263,491 from the Fleur Du Lac Water Quality Mitigation Fund. In October of 2002, the Regional Board agreed to contribute \$10,000 from the Fleur Du Lac Water Quality Mitigation Fund, leaving a fund balance of about \$193,000. This value includes significant increases from accrued interest on the fund balance in the nearly 14 years since fund was established.
5. At the Regional Board's regular March, 2003 Board Meeting, staff recommended the Regional Board allocate resources from the Fleur Du Lac Water Quality Mitigation Fund to fund analysis of Lake Tahoe Stream Channel Sediment samples taken by the

USDA-ARS National Sedimentation Laboratory in their Fall, 2002 Stream Channel Erosion study. The Tahoe Research Group (TRG) has agreed to handle processing of the samples for NSL if funding for chemical analysis can be obtained. The data will be used to quantify nutrient loading to Lake Tahoe from stream channel erosion.

THEREFORE BE IT RESOLVED THAT:

The Regional Board authorizes allocation of \$23,000 from the Fleur Du Lac Water Quality Mitigation Fund to the Tahoe Research Group to fund chemical analysis for the Lake Tahoe stream channel sediment nutrient chemistry study.

I, Harold J. Singer, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of a Resolution adopted by the California Water Quality Control Board, Lahontan Region, on March 12, 2003.

HAROLD J. SINGER
EXECUTIVE OFFICER

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